

United States District Court
Southern District of Texas
ENTERED

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

MAY 08 2008

Michael N. Milby, Clerk of Court
By Deputy Clerk 

UNITED STATES OF AMERICA,

Plaintiff,

v.

POUL S. BOULS a/k/a PAUL BOULS,
GRACIELA BOULS, AKRAM BOULS,
FIRST NATIONAL BANK, HARLINGEN
ISD, and CAMERON CO. TAX-
ASSESSOR,

Defendants.

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CIVIL ACTION NO. B-08-41

ORDER & OPINION

BE IT REMEMBERED, that on May 8, 2008, the Court considered Plaintiff's Stipulation of Dismissal. Dkt. No. 7.

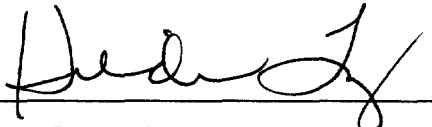
Plaintiff, the United States of America, initiated suit against Defendants on January 29, 2008. Dkt. No. 1. Defendants Paul Bools, Graciale Bools, and Akram Bools have not entered an appearance in this case, nor did they file an answer or motion for summary judgment. Plaintiff's motion with respect to Defendants Paul Bools, Graciale Bools, and Akram Bools is governed by Rule 41(a)(1)(i). FED. R. CIV. P. 41(a)(1)(i) ("[A]n action may be dismissed by the plaintiff without an order of court . . . by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever occurs first."). This Court construes Plaintiff's Stipulation of Dismissal as a notice of dismissal.

Plaintiff's motion also addresses Defendants First National Bank and Harlingen ISD, who did file answers to the complaint. Dkt. Nos. 3, 4. Defendants First National Bank and Harlingen ISD and Plaintiff agree to dismiss the case. Dkt. No. 7, at 1. Counsel for both Plaintiff and Defendants signed the stipulation of dismissal. *Id.* at 2. FED. R. CIV. P.

41(a)(1)(ii) (“[A]n action may be dismissed by the plaintiff without an order of court . . . by filing a stipulation of dismissal signed by all parties who have appeared in the action.”).

Therefore, pursuant to Federal Rule of Civil Procedure 42(a)(1)(i),(ii), the Court **GRANTS** Plaintiff’s Stipulation of Dismissal. Dkt. No. 7. The instant action is hereby dismissed with prejudice as to Defendants Paul Bools, Graciala Bools, and Akram Bools and dismissed without prejudice as to Defendants First National Bank and Harlingen ISD. *Id.* The District Clerk shall not close the case, as it appears that there is one remaining Defendant, Cameron Co. Tax-Assessor.

DONE at Brownsville, Texas, on May 8, 2008.



Hilda G. Tagle
United States District Judge